

FROM
Intellectual Property Group of
Pillsbury Winthrop LLP
Attorneys at Law
11682 El Camino Real, Suite 200
San Diego, CA 92130-2092
Telephone: (619) 234-5000

Our Facsimile #: (858) 509-4010

FACSIMILE TRANSMISSION

TO: UNITED STATES PATENT AND TRADEMARK OFFICE

FACSIMILE #: (571) 273-0690 (Examiner Amelia Owens, Art Unit No. 1625)
Telephone #: (703) 308-4707
No. Pages (Including this page) 13 FAX Opr: _____

IF YOU DO NOT RECEIVE CLEARLY ALL PAGES, PLEASE CONTACT US IMMEDIATELY
By Telephone AT: (619)234-5000

USPTO:

PLEASE ACKNOWLEDGE CLEAR RECEIPT OF ALL PAGES INDICATED ABOVE BY
FAXING THIS PAGE BACK TO ONE OF OUR FACSIMILE NUMBERS STATED ABOVE

In re PATENT APPLICATION of
Inventor(s) Kelly, et al.
Appln. No. 09/585,157

Group Art Unit: 1625
Examiner: Amelia Owens
Atty. Dkt. 007779-0282195

Filed: June 12, 2002

TITLE: ANTIFUNGAL AND ANTIMYCOBACTERIAL BASILISKAMIDES

Name or type of signed paper being transmitted: Date: June 28, 2004

- Copies of Documents as filed on 6/12/02 as follows:
Request for Filing of Continuation Application; Declaration;
Transmittal Letter; Postcard Receipt date stamped 06/12/2002 by USPTO.

MESSAGE:

Re: Continuation Application as filed on 6/12/2002
Ser. No. 09/585,157

Dear Examiner Owens:

Enclosed are copies of Continuation Application documents as filed on June 12, 2002 for the above-identified application.

Please feel free to call if you have any questions.

Robert M. Bedgood

(ATTN: Atty/Sec.; Transmit only one paper herewith. For papers not acceptable by fax, see back side or LAN Forms Directory PAT-288 Rear. Do not file originals but fasten them in our file (left side) with this sheet and fax receipt on top. Do NOT send the originals nor a confirmation copy to the PTO.)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted
to the Patent and Trademark Office on the date shown below.

Name Robert M. Bedgood, Ph.D. Sig. _____
Reg. No. 43,488

Date June 28, 2004

PAT-103 3/01 PTO RECEIPT FOR INDICATED ITEMS

Appln. No: New Continuation of 09/585,157

Inventor(s) KELLY et al.

Title: ANTIFUNGAL AND ANTIMYCOBACTERIAL
BASILISKAMIDESAtty IRWDate 6/12/02

C# 007779

M# 0260755

ENCLOSED:

☐ Amendment ☐ Appendix ☐ Cover sheet# 2 No. of Pages Abstract# 28 No. of Pages Spec and Claims# 16 No. of numbered Claims only☒ Declaration (4 #pgs)☐ Assignment ☐ Cover Sheet# No. of Priority Documents# No. Sheets Drawings (Fig(s) 1 to) ☐ 1 set Formal☐ IDS Letter ☐ cited Appl(s). ☐ Foreign sch rept/OA☐ PTO-1449 ☐ cited docs.\$ Fee (Check)

Other: Transmittal letter (x2); and Return Postcard

DT11 Rec'd PCT/PTO JUN 12 2002

EVD92575136 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION Of:

Kelly, et al.

Parent U.S. Serial No.: 09/585,157

Parent Filing Date: June 1, 2000

Filing Date: June 12, 2002

For: ANTIFUNGAL AND
ANTIMYCOBACTERIAL
BASILISKAMIDES

Group Art Unit: 1625

Examiner: Amelia A. Owens

Certificate of Express Mailing

I, Karyn F. Massie, hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail, Mailing Label No. EV 092 575 136 US to Addressee service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on June 12, 2002

By: 

Karyn F. Massie

Assistant Commissioner for Patents
Washington, D.C. 20231
Box PATENT APPLICATION

TRANSMITTAL LETTER

Transmitted herewith for filing are the following:

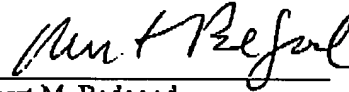
1. Request for Filing of Continuation application under Rule 53(b) (in duplicate);
2. Copy of Combined Declaration and Power of Attorney of the parent application;
3. Application Cover Sheet;
4. Copy of specification from parent application with abstract; and
9. Return postcard.

Atty Dkt. No. 007779/0260755

Please charge the requisite fee, as set forth in 37 C.F.R. § 1.17(h), for the filing of this transmittal letter with accompanying documents to deposit account no. 03-3975, order no. 007779/0260755. A duplicate of this transmittal letter is enclosed for accounting purposes.

Respectfully submitted,

PILLSBURY WINTHROP LLP



Robert M. Bedgood
Reg. No. 43,488

Date: 6-12-02

Please send all correspondence to:
11682 El Camino Real
Suite 200
San Diego, CA 92130
Telephone: (858) 509-4065
Facsimile: (858) 509-4010

hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

| | | | |
|----|-------|----|-------|
| 1. | _____ | 2. | _____ |
| 3. | _____ | 4. | _____ |
| 5. | _____ | 6. | _____ |
| 7. | _____ | 8. | _____ |

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

| | | | |
|----|-------|----|-------|
| 1. | _____ | 2. | _____ |
| 3. | _____ | 4. | _____ |
| 5. | _____ | 6. | _____ |
| 7. | _____ | 8. | _____ |

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ Of _____ (country)

| | <u>Application No.</u> | <u>Filing Date</u> | | <u>Application No.</u> | <u>Filing Date</u> |
|-----|------------------------|--------------------|-----|------------------------|--------------------|
| (1) | _____ | _____ | (2) | _____ | _____ |
| (3) | _____ | _____ | (4) | _____ | _____ |
| (5) | _____ | _____ | (6) | _____ | _____ |

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ In _____
U.S. Application No. _____ / _____, filed on _____
Series code \uparrow serial no. _____

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

4. (a) ☒ Domestic priority is claimed from PCT/ EP98/06146, filed September 28, 1998.
(b) ☐ Benefit is claimed of Provisional Application No. 60/_____, filed _____.

5. ☒ Prior application is assigned to University of British Columbia, Vancouver, British Columbia

by assignment recorded January 18, 2001 Reel 011463 Frame 0069
(Date)

6. ☐ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to John R. Wetherell, Jr., Registration No. 31,678

(Name and Reg. No.)
whose current address is as in item 8 below.

a. ☒ Recognize as Patent Agent Robert M. Bedgood, Registration No. 43,488

(Name, Reg. No. and Address)

8. Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 50 Fremont Street, P.O. Box 7880, San Francisco, CA 94105
9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:
- | | | | |
|----------|---------|-------|--------------|
| No. 09/ | 585,157 | filed | June 1, 2000 |
| No. 60/ | 137,166 | filed | June 1, 1999 |
| No. / | | filed | |
| No. PCT/ | | filed | |
- designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English
- 9(a). ☐ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)
10. Small Entity Status ☐ is Not claimed ☒ is claimed (pre-filing confirmation required)
- 1 (No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
- ☐ filed in above prior application (copy enclosed)
- ☐ attached.
11. Petition to extend the life of the above prior application to at least the date hereof
- (one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).
- (must be) ☐ was previously filed in that prior application (Check length of prior extension).
- (X'd) ☒ is not necessary for copendency (Double check before X'ing this box).
12. ☐ INFORMATION DISCLOSURE STATEMENT: Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .
13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.
14. ☐ Please see the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

-->>>>CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<<<<

NOTE: If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

| | | | | Large/Small Entity | | Fee Code |
|--|----|------------|---|--------------------|------|----------|
| 15. Basic Filing Fee Design Application | | | | \$330/\$165 | | 106/26 |
| 16. Basic Filing Fee Utility Application | | | | \$740/\$370 | +370 | 101/201 |
| 17. Total Effective Claims | 16 | minus 20 = | 0 | x \$18/\$9 | + | 103/203 |
| 18. Independent Claims | 2 | minus 3 = | 0 | x \$84/\$42 | +0 | 102/202 |
| 19. If any proper multiple dependent claim (ignore improper) is present, | | | | \$280/\$140 | +0 | 104/204 |

| | | | |
|--|------------|-------|-------|
| 20. | Subtotal = | | \$370 |
| 21. If "petition" box 13 above is X'd, add petition fee. | \$130 | +0 | 122 |
| 21A. If box 6 above is X'd, add Assignment recording fee | \$ 40 | + | 581 |
| 22. TOTAL FILING FEE ATTACHED = | | \$370 | |

(carry forward to item 31)

23. ☐ ATTACHED:24. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.)25. ☐ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26. **ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

| | Claims remaining after amendment | Highest number previously paid for | Present Extra | Additional Fee | |
|---|---|---|------------------------|-------------------|------------------------------|
| | | | | | Large/Small Entity File Code |
| 27. Total Effective Claims | <u>*16</u> | minus ** <u>20</u> | = <u>0</u> x \$18/\$9 | = \$ <u>0</u> | (103/203) |
| 28. Independent Claims | <u>*2</u> | minus *** <u>3</u> | = <u>0</u> x \$84/\$42 | = + <u>0</u> | (102/202) |
| 29. If amendment enters proper multiple dependent claim(s) into this application for the First time, add (per application) | | | \$280/\$140 | + <u>0</u> | (104/204) |
| 30. ADDITIONAL FEE | | | | \$ <u>0</u> | |
| 31. plus FEE from item 22 on page 3 | | | | + <u>370</u> | |
| 32. TOTAL FEE ATTACHED | | | | \$ <u>370</u> | |

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

Our Deposit Account No. 03-3975

Our Order No. 007779 | 0260755

C#

M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

11682 El Camino Real, # 200
San Diego, CA 92130
Tel (858) 509- 4065

By Atty: Robert M. Bedgood, Ph.D.

Reg. No. 43,488

Sig: 

Fax: (858) 5094010
Direct (858) 509-4065
Tel:

RMB/KFM(Atty./Sec.)

NOTE No. 1: File this Request in duplicate with postcard receipt (PAT-103) & attachments

NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
If yes, printout Pat-111 and head it in parent.